

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JOHN J. RIGAS and TIMOTHY J. RIGAS,

Petitioners,

-against-

UNITED STATES OF AMERICA,

Respondent.  
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KIMBA M. WOOD, U.S.D.J.:

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ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 4/9/18

11-CV-6964 (KMW)  
02-CR-1236 (KMW)  
ORDER

Petitioners' counsel seek leave to issue subpoenas to Covington & Burling LLP, Boies Schiller & Flexner LLP, Wilkie Farr & Gallagher LLP, and Fried, Frank, Harris, Shriver & Jacobson LLP (collectively, the "Law Firms") for documents concerning communications between (i) the Law Firms and the Government, and (ii) the Law Firms and Adelphia employees, relating to (i) the indemnification of Petitioners by Adelphia, and (ii) Petitioners' access to Adelphia employees. Petitioners seek this discovery in order to support their claim of prosecutorial interference with their defense. (Pet'rs' Ltr. Br., ECF No. 176, at 1.) The Law Firms offered to produce some of the requested documents, but Petitioners rejected that offer. (Opp'n, ECF No. 177, at 3.) The Law Firms now oppose Petitioners' requests.


On April 13, 2017, this Court quashed similar subpoenas directed by Petitioners to the Law Firms. (Order, ECF No. 118.) In so ruling, the Court left open the possibility that very narrowly tailored subpoenas addressed to the Law Firms might be appropriate.

Petitioners' current requests are narrower than the previous ones, but are still overbroad and unduly burdensome. Petitioners seek documents generated well over ten years ago. To locate these documents, the Law Firms would have to sift through over eight thousand boxes of

hard-copy records, and, as to Request Number 2, would have to review each requested document to identify which ones are subject to attorney-client privilege or work-product privilege. (Opp'n, at 3.) Petitioners' offer to have a "taint team" conduct the review will not obviate the need for the Law Firms to review documents for attorney-client privilege and work-product privilege. The Court DENIES Petitioners' request for leave to issue these subpoenas.

SO ORDERED.

Dated: New York, New York  
April 9, 2018

  
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Kimba M. Wood  
United States District Judge